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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRAVELERS INDEMNITY COMPANY, Plaintiff, - against - RED UMBRELLA FUND and STICHTING MAMA CASH, Defendants.	Case No. __________ ECF Case **COMPLAINT**

Plaintiff The Travelers Indemnity Company ("Travelers") brings this Complaint against Defendants Red Umbrella Fund and Stichting Mama Cash ("Mama Cash") (collectively, "Defendants") for trademark dilution and trademark infringement under federal and state law, and for unfair competition and deceptive trade practices. Travelers alleges as follows:

NATURE OF THE CASE

1. This case is about Defendants' willful attempt to trade on Travelers' iconic and famous Travelers Red Umbrella Mark (pictured below), which Travelers or its predecessors in

interest have used, in the same or substantially the same form, since 1960: . For more than 50 years, Travelers has made substantial investments in creating one of the most iconic brands in the United States, and has been recognized as one of "America's Greatest Brands." Despite being well aware of Travelers' rights, however, Defendants chose a virtually identical red umbrella logo (the "RUF Red Umbrella Logo") and the name "Red Umbrella Fund" (collectively, the "RUF Red Umbrella Marks") that they are using in an ever-more expansive way in the United States to identify a fund which promotes the rights of sex workers. But merely having a charitable purpose does not give an entity *carte blanche* to use another's trademark. A side-by-side comparison shows the obvious and striking similarities between the parties' respective marks.

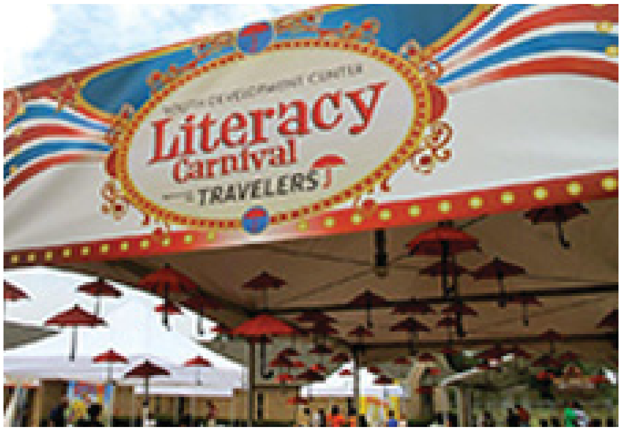
Travelers Red Umbrella Mark	**Defendants' RUF Red Umbrella Marks**

2. Defendants' use of a virtually identical logo, along with its Red Umbrella Fund name, in connection with a charitable non-profit is particularly likely to cause confusion and dilution because Travelers not only provides insurance and related products and services, but also is affiliated with a charitable foundation and sustains funding relationships with numerous

nonprofit organizations throughout the United States. Both directly and through the Travelers Foundation, Travelers provides funding for a wide variety of charitable and civic endeavors, all in connection with the Travelers Red Umbrella Mark. The following are current examples of such use from Travelers' website:

TRAVELERS
Travelers EDGE
Small Business Risk Education
About Giving

Employee Involvement
At Travelers, we take pride in empowering our employees to have a positive impact by serving others. As community leaders, our employees have a solid reputation for being valuable assets as board members and volunteers who contribute their fullest to civic and nonprofit organizations. Travelers' Employee Giving Campaign encourages employees to give financially to organizations in their communities. In addition, Travelers supports employees' personal community interests through a matching gifts program in recognition of volunteer time or as a match to financial contributions. Learn More



3. Travelers has repeatedly asked Defendants to change their RUF Red Umbrella Marks, so as not to so closely resemble the Travelers Red Umbrella Mark, but Defendants have refused to make any changes whatsoever. As a result, Travelers had no choice but to bring this lawsuit to stop Defendants from causing consumer confusion and dilution of the iconic Travelers Red Umbrella Mark.

THE PARTIES

4. Plaintiff The Travelers Indemnity Company is a corporation of the State of Connecticut with a place of business at 485 Lexington Avenue, New York, New York 10017. Travelers transacts business throughout the United States, including in New York and this district.

5. Upon information and belief, Defendant Stichting Mama Cash is a foundation organized under the laws of the Netherlands and has a place of business at Eerste Helmersstraat 17D, 1054 CX Amsterdam, The Netherlands. Upon information and belief, Mama Cash transacts business within New York and the United States, including by, among other things, soliciting donations from individuals and organizations located in New York and the United States, providing grants to organizations located in New York and the United States, and

partnering with organizations in New York and the United States. Upon information and belief, Mama Cash also controls and operates an interactive website at www.mamacash.org, which is publicly available and accessible to consumers in New York and throughout the United States.

6. Upon information and belief, Defendant Red Umbrella Fund is a foundation organized under the laws of the Netherlands and has a place of business at Eerste Helmersstraat 17D, 1054 CX Amsterdam, The Netherlands. Upon information and belief, Red Umbrella Fund is an affiliate of Mama Cash. Upon information and belief, Red Umbrella Fund transacts business within New York and the United States, including by, among other things, soliciting donations from individuals and organizations located in New York and the United States, providing grants to organizations located in New York and the United States, partnering with organizations in New York and the United States, and sponsoring conferences in New York and the United States. Upon information and belief, Red Umbrella Fund and Mama Cash control and operate the website at www.redumbrellafund.org, which is publicly available and accessible to consumers in New York and throughout the United States.

JURISDICTION AND VENUE

7. This action arises under the federal Trademark Act, 15 U.S.C. § 1051, *et seq*., and the related laws of the State of New York. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b). Because Travelers and Defendants are citizens of different states and the matter in controversy exceeds $75,000 exclusive of interest and costs, this Court also has jurisdiction under 28 U.S.C. § 1332. Further, this Court has supplemental jurisdiction over Travelers' state-law claims pursuant to 28 U.S.C. § 1367(a) because those claims are substantially related to Travelers' federal claims.

8. This Court has personal jurisdiction over Defendants and venue is proper in this district pursuant to N.Y. C.P.L.R. § 302(a) and 28 U.S.C. § 1391(b) and (c). Travelers is located and is being harmed in this district, and, upon information and belief, Defendants conduct business in this district, and/or the harm caused by the activity about which Travelers complains has taken place and is continuing to take place in New York and this district. Upon information and belief, Defendants either expect or reasonably should expect that its activities would have consequences in this district.

9. Alternatively, Defendants are subject to this Court's personal jurisdiction pursuant to Fed. R. Civ. P. 4(k)(2), because on information and belief Defendants are not subject to jurisdiction in any particular State's courts of general jurisdiction, and because Defendants have extensive contacts with the United States.

TRAVELERS AND ITS FAMOUS RED UMBRELLA MARK

10. Travelers has been in business for more than 150 years. It has long been one of the leading providers of a wide range of insurance and related products and services to businesses, government units, associations, and individuals in the United States.

11. Travelers is and for many years has been among the largest writers of personal property and casualty insurance through independent agents in the United States. Its services have been sold for many years in all 50 states under the Travelers Red Umbrella Mark through agents and brokers, direct marketing (including toll-free telephone numbers and Internet websites), and/or salaried employees.

12. Travelers currently uses the Travelers Red Umbrella Mark as its corporate logo and as a trademark. Travelers and its affiliates and predecessors have used the Travelers Red Umbrella Mark shown below or substantially identical versions thereof since 1960.

13. In addition to its common law rights based on the use of the Travelers Red Umbrella Mark as well as other color variations of the umbrella logo, examples of which are shown below (collectively, the "Travelers Umbrella Marks"), Travelers owns numerous valid and subsisting United States trademark registrations for and applications to register the Travelers Umbrella Marks, as shown in the attached Exhibit A. (Copies of the certificates of registrations for these marks are attached as Exhibit B.) The registrations set forth in Exhibits A and B constitute *prima facie* evidence of Travelers' ownership of and exclusive rights to use the Travelers Umbrella Marks in connection with the services recited in those registrations.

14. Moreover, the following registrations are incontestable and constitute conclusive evidence of Travelers' ownership of and exclusive rights to use the Travelers Umbrella Marks in connection with the services recited in those registrations: U.S. Reg. Nos. 1,161,313 ( ); 3,417,048 ( ); 3,417,049 ( ); 3,494,647 ( ); and 3,494,648 ( ).

15. Travelers also uses, and owns common law trademark rights in, "realistic" versions of the Travelers Red Umbrella Mark in connection with the promotion and sale of its insurance and related products and services, including the examples shown below:

TRAVELERS
Like no other

TRAVELERS
It's better under
the umbrella

TRAVELERS
my grandson
1.800.MY.COVERAGE
Travelers.com

16. Travelers has established considerable and valuable trademark rights and goodwill in the Travelers Red Umbrella Mark by virtue of the long use and registration of that trademark, the substantial promotional and marketing efforts in connection with that trademark, the expenditure of vast sums in advertising and promotional activities in connection with that trademark, the substantial sales of products and services offered in connection with that trademark, extensive publicity and media attention, and third-party acclaim.

17. Revenues generated from products and services sold in connection with the Travelers Red Umbrella Mark over the years have been substantial, including revenues

exceeding $205 billion since 2008 alone.

18. Travelers has spent many millions of dollars over the years advertising and promoting its products and services throughout the United States under the Travelers Red Umbrella Mark in various media and forms (*e.g.*, television, magazines, newspapers, websites, and sponsorships), including tens of millions of dollars annually in recent years.

19. Travelers has for many years engaged in extensive television advertising prominently featuring the Travelers Red Umbrella Mark to promote its insurance and related products and services. Travelers' television advertisements prominently featuring the Travelers Red Umbrella Mark have for years appeared nationally on network television and major cable television networks, including during popular television shows and other programming such as national sporting events watched by millions.

20. Travelers has also engaged for years in extensive online advertising prominently featuring the Travelers Red Umbrella Mark to promote its insurance and related products and services. Travelers prominently displays its Travelers Red Umbrella Mark on its own websites, including http://www.travelers.com, on Travelers' social media sites (*e.g.*, Facebook, Twitter, YouTube, and LinkedIn), and through online advertising on third-party websites.

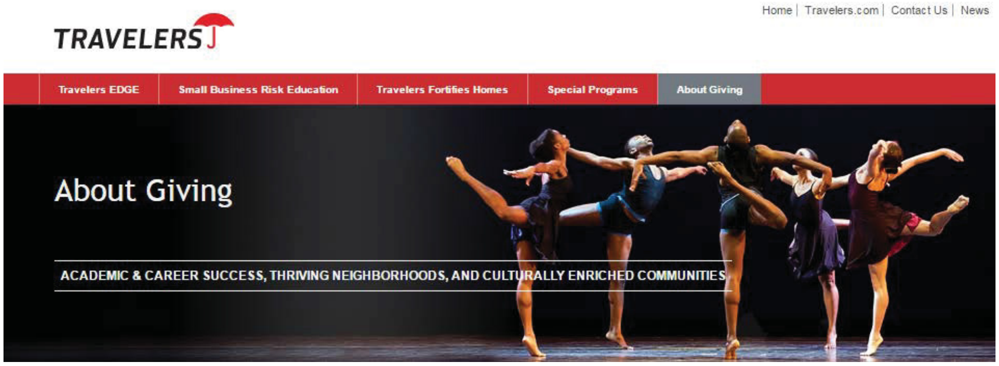
21. As a result of Travelers' long and extensive use of the Travelers Red Umbrella Mark, and the significant sales, promotion, advertising, publicity and media attention, third-party acclaim, and overall commercial success under the mark, the Travelers Red Umbrella Mark has achieved such widespread public exposure and recognition that it possesses a high degree of distinctiveness and has been well-known and famous among the general consuming public of the United States for many years. Indeed, for several years, the Travelers Red Umbrella Mark has been featured at the U.S. Patent and Trademark Office's National Trademark Expo, along with

other well-known entities and brands such as Microsoft, Mattel and NASCAR.

TRAVELERS' USE OF THE TRAVELERS RED UMBRELLA MARK IN CONNECTION WITH CHARITABLE GIVING AND SERVICES

22. In addition to its insurance and financial sector business, Travelers has long been active in a wide variety of charitable and philanthropic activities, and it actively encourages its employees to do the same. Travelers contributed more than $20 million to such activities in 2015 alone.

23. For years, Travelers and the Travelers Foundation have awarded grants and provided other funding for charitable activities, including in the areas of health and social services, education, literacy, community development, housing, and arts and culture, among others. For instance, since 2009, Travelers and the Travelers Foundation have provided more than $65 million to help address academic success, increase career preparedness and reduce barriers to higher education. Travelers uses its famous Travelers Red Umbrella Mark to market and promote the Travelers Foundation and charitable giving services, as illustrated in the following example: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Travelers Fortifies Homes
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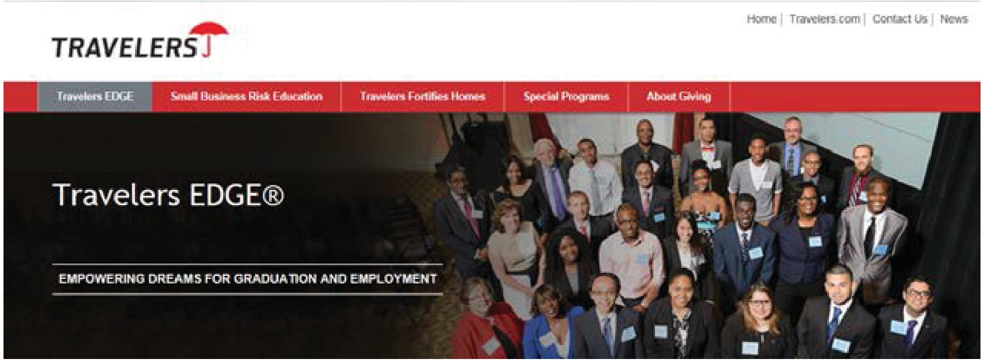
About Giving
About Giving
ACADEMIC & CAREER SUCCESS, THRIVING NEIGHBORHOODS, AND CULTURALLY ENRICHED COMMUNITIES

24. In addition to its grantmaking activities to a wide variety of charitable organizations, Travelers also has its own charitable programs and initiatives. For example, through the Travelers EDGE® (Empowering Dreams for Graduation and Employment) initiative,

Travelers partners with colleges, universities, high schools, and community-based programs to increase the pipeline of underrepresented students who complete bachelor's degrees. To market and promote its Travelers EDGE® program, Travelers uses its Red Umbrella Mark and images of realistic red umbrellas, as depicted in the examples below: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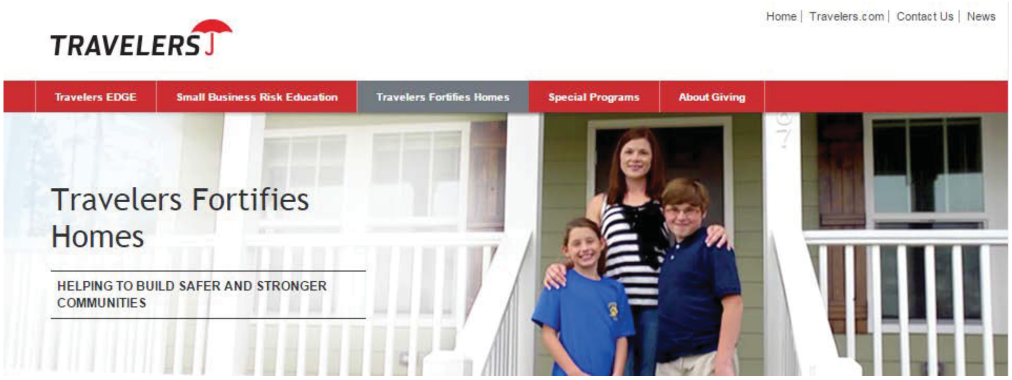
Travelers EDGE
Small Business Risk Education
Travelers Fortifies Homes
Special Programs
About Giving
Travelers EDGE®
EMPOWERING DREAMS FOR GRADUATION AND EMPLOYMENT

25. Through its Travelers Fortifies Homes program, Travelers has partnered with

Habitat for Humanity and the Insurance Institute for Business and Home Safety (IBHS) to construct affordable, fortified homes for families in coastal areas. Since 2012, Travelers employees have participated in the building of 141 Habitat for Humanity homes, supported with $2.7 million in grants from Travelers Foundation. In 2015, Travelers helped to build 40 homes, with 1,500 employees logging 10,000 hours of work. To promote and market this initiative, Travelers uses the Travelers Red Umbrella Mark, including on social media, signage, its website, and t-shirts, as shown in the examples below: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Travelers Fortifies Homes
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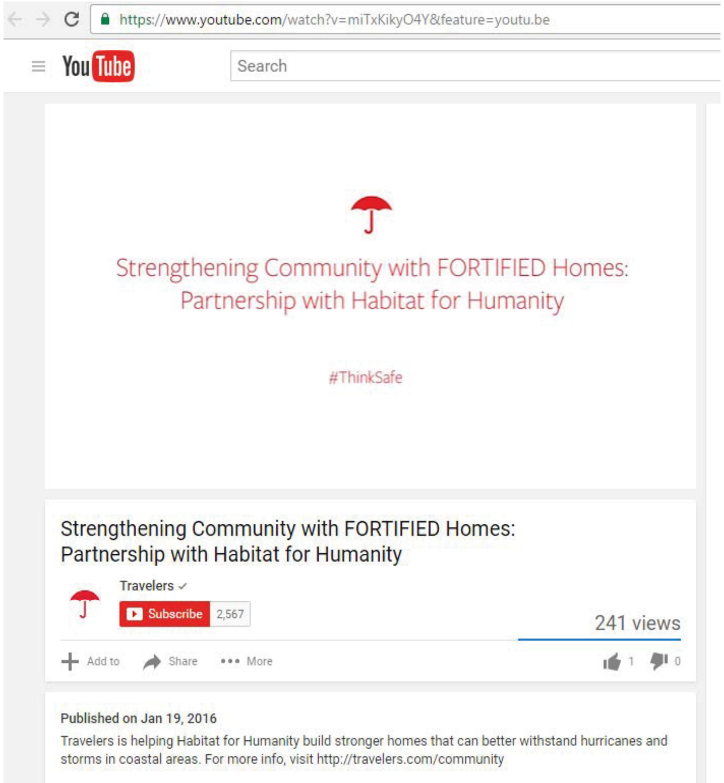
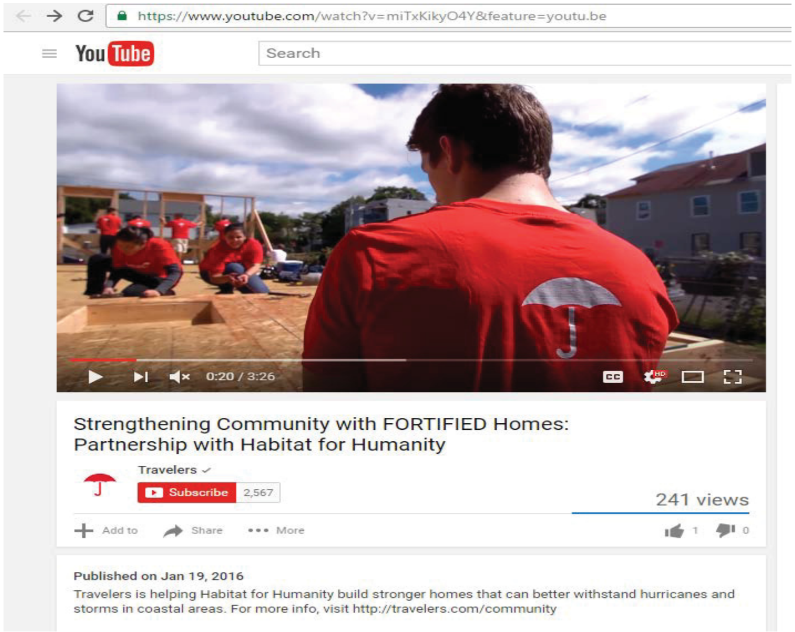
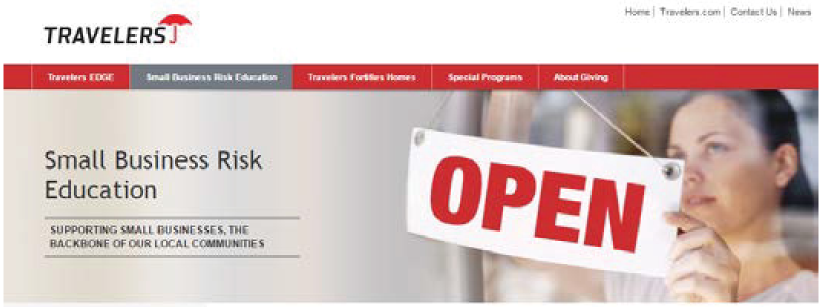
Travelers Fortifies Homes
HELPING TO BUILD SAFER AND STRONGER COMMUNITIES


https://www.youtube.com/watch?v=miTxKikyO4Y&feature=youtu.be
YouTube
Search
Strengthening Community with FORTIFIED Homes:
Partnership with Habitat for Humanity
#ThinkSafe
Strengthening Community with FORTIFIED Homes:
Partnership with Habitat for Humanity
Travelers
Subscribe 2,567
241 views
Add to
Share
More
1
0
Published on Jan 19, 2016
Travelers is helping Habitat for Humanity build stronger homes that can better withstand hurricanes and storms in coastal areas. For more info, visit http://travelers.com/community


https://www.youtube.com/watch?v=miTxKikyO4Y&feature=youtu.be
YouTube
Search
0:20 / 3:26
Strengthening Community with FORTIFIED Homes:
Partnership with Habitat for Humanity
Travelers
Subscribe 2,567
241 views
Add to
Share
More
1
0
Published on Jan 19, 2016
Travelers is helping Habitat for Humanity build stronger homes that can better withstand hurricanes and storms in coastal areas. For more info, visit http://travelers.com/community

https://www.youtube.com/watch?v=18enFTbuHNI&feature=youtu.be
YouTube
Search
0:40 / 3:14
How FORTIFIED Can Help Protect Your Home: Partnership with Habitat for Humanity
Travelers
Subscribe 2,567
188 views
Add to
Share
More
2
0
Published on Jan 19, 2016
A partnership with Travelers and Habitat for Humanity shows how building standards can create stronger, storm-resistant homes to coastal communities. For more info, visit http://travelers.com/community

26. Further, Travelers runs a Small Business Risk Education (SBRE) program designed to help women and minority small business owners learn about risk management, develop safety risk management plans, and qualify for microloans. Travelers uses the Travelers Red Umbrella Mark to promote this program and trainings, as illustrated in the examples below:



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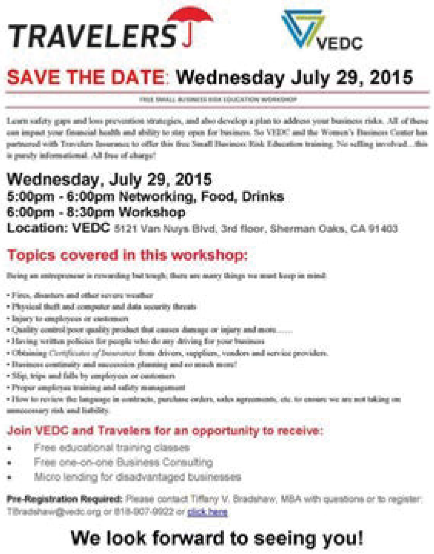
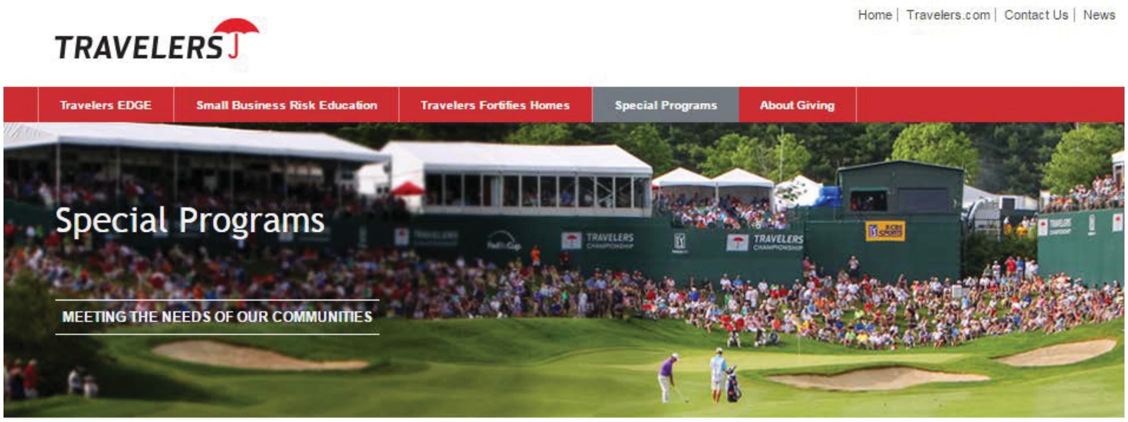
Travelers EDGE
Small Business Risk Education
Travelers Fortifies Homes
Special Programs
About Giving
Small Business Risk Education
SUPPORTING SMALL BUSINESSES, THE BACKBONE OF OUR LOCAL COMMUNITIES
OPEN

TRAVELERS
VEDC
Small
Business
Risk
Education
Program


TRAVELERS
VEDC
SAVE THE DATE: Wednesday July 29, 2015
Wednesday, July 29, 2015
5:00pm - 6:00pm Networking, Food, Drinks
6:00pm - 8:30pm Workshop
Location: VEDC 5121 Van Nuys Blvd, 3rd floor, Sherman Oaks, CA 91403
Topics covered in this workshop:
Join VEDC and Travelers for an opportunity to receive:
Free educational training classes
Free one-on-one Business Consulting
Micro lending for disadvantaged businesses
Pre-Registration Required: Please contact Tiffany V. Bradshaw, MBA with questions or to register:
TBradshaw@vedc.org or 818-907-9922 or click here
We look forward to seeing you!

27. Travelers also sponsors the Travelers Championship, a world-class golf tournament that attracts tens of thousands of people annually and directly benefits community initiatives. Since 2007, the tournament has generated $10 million for over 500 charities. Travelers and the tournament host organization each prominently display the Travelers Red Umbrella Mark in connection with promoting and marketing the Travelers Championship, as shown in the examples below:

TRAVELERS
CHAMPIONSHIP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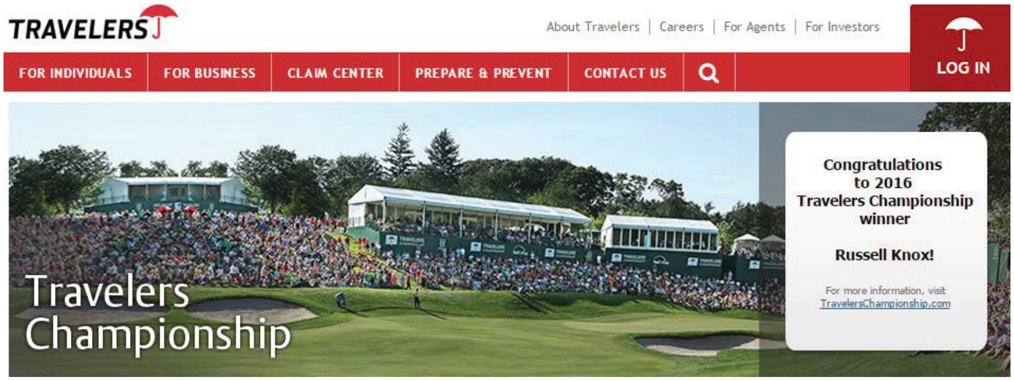
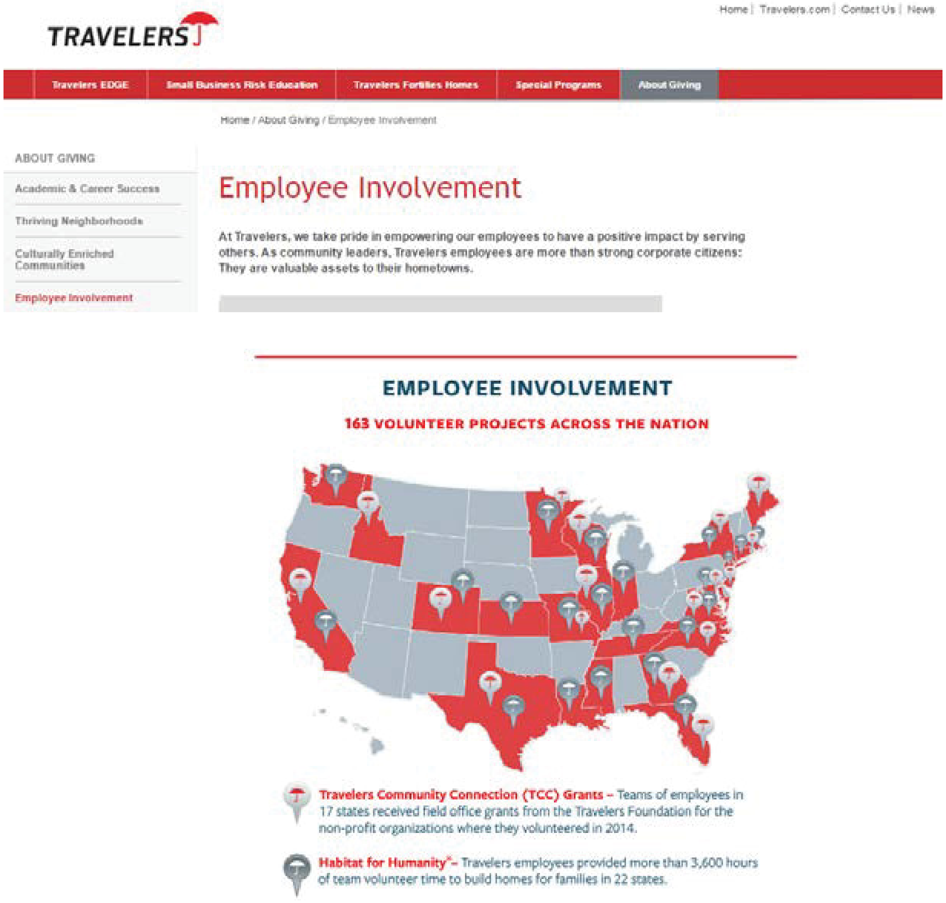
Travelers Fortifies Homes
Special Programs
About Giving
Special Programs
MEETING THE NEEDS OF OUR COMMUNITIES


TRAVELERS
About Travelers | Careers | For Agents | For Investors
LOG IN
FOR INDIVIDUALS
FOR BUSINESS
CLAIM CENTER
PREPARE & PREVENT
CONTACT US
Travelers
Championship
Congratulations
to 2016
Travelers Championship
winner
Russell Knox!
For more information, visit
TravelersChampionship.com

28. Travelers also supports its employees' personal charitable activities through numerous programs, including programs that provide grants to volunteers and match contributions to non-profits. In connection with promoting these efforts, Travelers uses the Travelers Red Umbrella Mark, as illustrated in the example below: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Small Business Risk Education
Travelers Fortifies Homes
Special Programs
About Giving
Home / About Giving / Employee Involvement
ABOUT GIVING
Academic & Career Success
Thriving Neighborhoods
Culturally Enriched Communities
Employee Involvement
Employee Involvement
At Travelers, we take pride in empowering our employees to have a positive impact by serving others. As community leaders, Travelers employees are more than strong corporate citizens: They are valuable assets to their hometowns.
EMPLOYEE INVOLVEMENT
163 VOLUNTEER PROJECTS ACROSS THE NATION
Travelers Community Connection (TCC) Grants – Teams of employees in 17 states received field office grants from the Travelers Foundation for the non-profit organizations where they volunteered in 2014.
Habitat for Humanity – Travelers employees provided more than 3,600 hours of team volunteer time to build homes for families in 22 states.

DEFENDANTS' DILUTION AND INFRINGEMENT OF
THE FAMOUS TRAVELERS RED UMBRELLA MARK

29. According to its website, Mama Cash is an organization that funds and supports women's, girls', and trans people's rights initiatives. Mama Cash supports organizations, networks, and funds, including, upon information and belief, groups in the United States.

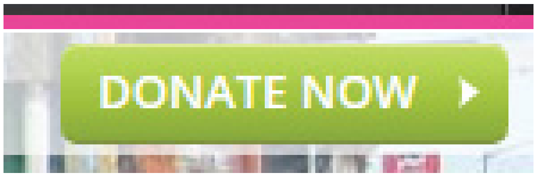
30. In addition, upon information and belief, Mama Cash formed the Red Umbrella Fund, a grant-making organization focused on the global sex workers' rights movement by catalyzing new funding for sex worker-led organizations and networks.

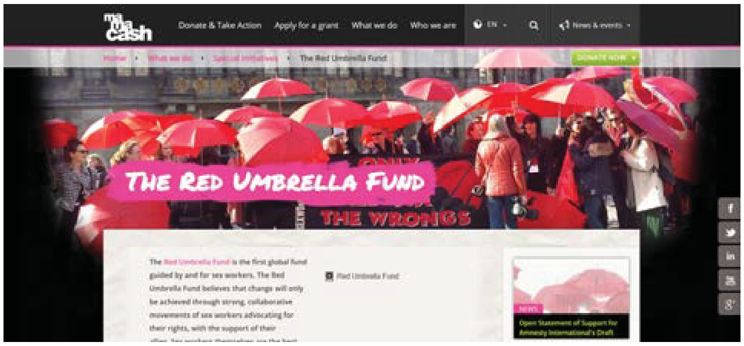
31. While Defendants are based in Amsterdam, upon information and belief, they market themselves as global organizations and have been expanding more and more in the

United States. Upon information and belief, Defendants conduct business in and have numerous contacts with the United States and New York, including as described below. Upon information and belief, the RUF Red Umbrella Marks are used by the Defendants as the primary corporate logo and name for Red Umbrella Fund and are prominently displayed when Defendants promote, advertise and market Red Umbrella Fund's services in the United States and New York.

32. Upon information and belief, Mama Cash owns and operates a website at http://www.mamacash.org, which is accessible in the United States, including in New York, and is available in English. Upon information and belief, Defendants own and operate a website at http://www.redumbrellafund.org, which is also accessible in the United States, including in New York, and is available in English.

33. Upon information and belief, Defendants actively solicit donations from individuals and organizations in the United States and New York. For example, on its website, Mama Cash actively solicits donations by prominently displaying a "DONATE NOW" button on its webpage promoting the Red Umbrella Fund, as shown below:

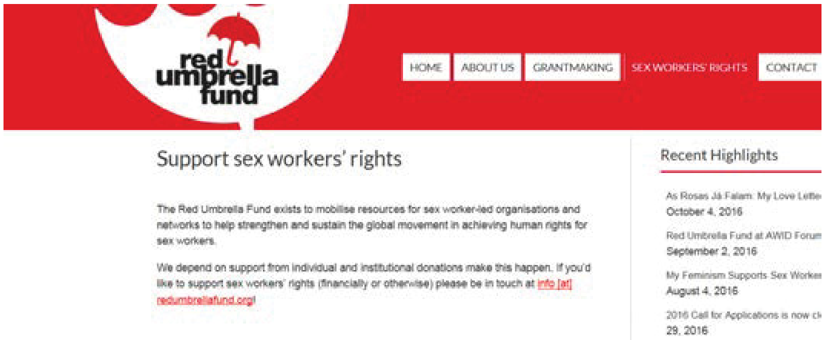




34. Clicking on the "DONATE NOW" button takes visitors to another page that allows

them to donate money in U.S. Dollars to Mama Cash. In addition, upon information and belief, Mama Cash further encourages donations from the United States and New York by providing information about how donors can receive tax benefits under U.S. law with their donations.

35. The Red Umbrella Fund website prominently features the RUF Red Umbrella Marks. As illustrated below, Red Umbrella Fund encourages "individual and institutional donations" by providing an interactive e-mail link for viewers to contact Red Umbrella Fund, and the RUF Red Umbrella Marks appear in connection with the interactive e-mail link:


red umbrella fund
HOME
ABOUT US
GRANTMAKING
SEX WORKERS' RIGHTS
CONTACT
Support sex workers' rights
The Red Umbrella Fund exists to mobilise resources for sex worker-led organisations and networks to help strengthen and sustain the global movement in achieving human rights for sex workers.
We depend on support from individual and institutional donations make this happen. If you'd like to support sex workers' rights (financially or otherwise) please be in touch at info [at] redumbrellafund.org!
Recent Highlights
October 4, 2016
Red Umbrella Fund at AWID Forum
September 2, 2016
August 4, 2016
29, 2016

36. In a document entitled "Mama Cash 2015 Strategic Plan," Mama Cash has touted its solicitation of donations from funders in the United States, noting that "[a]s a connector, collaborator and partner in influencing the donor community: [w]e inspired important funders in . . . the United States to give more money to women's and girls' rights groups."

37. Upon information and belief, Defendants' have solicited substantial funding from donors in the United States and New York. For instance, according to its website, Red Umbrella Fund's donors in the United States include American Jewish World Service (based in New York, New York); Open Society Foundations (based in New York, New York); MAC AIDS Fund of the Tides Foundation (based in New York, New York); Craigslist Charitable Fund; and the Levi Strauss Foundation.

38. On its website, Mama Cash also states that it partners with additional U.S. and

New York-based institutions to conduct its business, including the AJG Foundation (based in New York, New York); King Baudouin Foundation United States (based in New York, New York); Foundation for a Just Society (based in New York, New York); Nike Foundation; and Charities Aid Foundation.

39. Mama Cash's 2015 Annual Report for 2015 lists additional U.S. donors, including Dietel Partners; Eileen Fisher, Inc. (based in Irvington, New York); French American Charitable Trust; and Ford Foundation (based in New York, New York).

40. Upon information and belief, Red Umbrella Fund is also active in and/or a member of a number of U.S. organizations. For example, upon information and belief, it is a member of Funders Concerned About AIDS and International Human Rights Funders Group (which is based in New York, New York).

41. Upon information and belief, Red Umbrella Fund has sponsored events in the U.S., including in New York. For example, in 2016 at the United Nations Church Center in New York, New York, Red Umbrella Fund sponsored a panel called "Which Policies Best Respect Sex Workers' Rights?" The RUF Red Umbrella Logo appeared in connection with promotional material for this event as illustrated below:

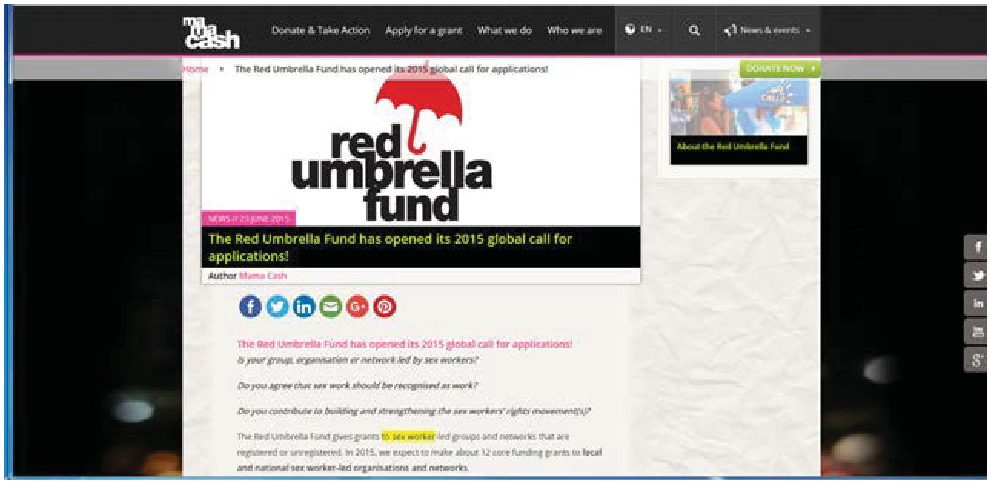
WHICH POLICIES BEST RESPECT SEX WORKERS' RIGHTS?
A conversation with sex worker rights defenders
Which policies best respect sex workers' rights?
A conversation with sex worker rights defenders. Friday, March 18th 2016 2:30 pm - 4:00 pm at the UN Church Center, 777 UN Plaza, New York, during the 60th session (#CSW60) of the UN Commission on the Status of Women (CSW)
UN CHURCH CENTER, 2ND FLOOR

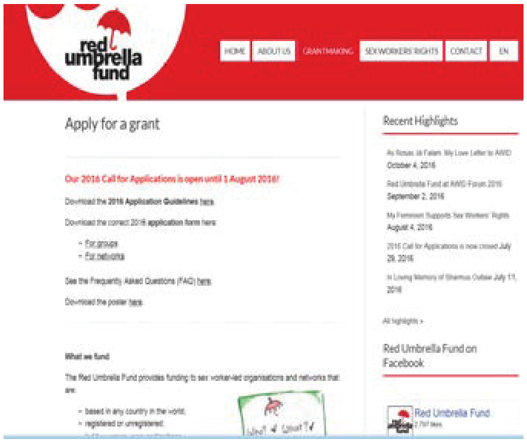
Which policies best respect sex workers' rights?
Do we invest enough?
Who funds
€8 MILLION
Who's funded
157
53
What's funded
Sex workers reached
Like
Share

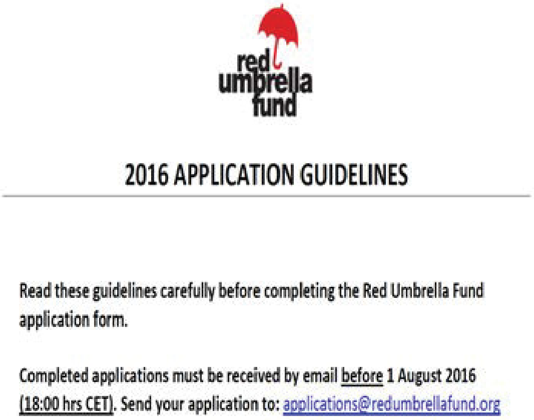
Upon information and belief, in 2015, at an event during the Committee on the Status of Women Forum at the United Nations in New York City, Red Umbrella Fund sponsored a panel called "What's Sex Got To Do With It? Linking Advocacy for Sex Workers' Rights and Respect for all Gender Identities." In addition, in 2014, at the New York Conference of the International Human Rights Funders Group, Red Umbrella Fund sponsored panels called "Mapping the Human Rights Donor Landscape: Where Does It Lead Us?" and "Bringing the Field to Philanthropy: The Role of Participatory Grantmaking."

42. Upon information and belief, Mama Cash actively encourages people and organizations in the United States and New York to apply for grants from Red Umbrella Fund.

Mama Cash's website provides a link to the grant application. Clicking the link on Mama Cash's website opens the Red Umbrella Fund webpage, which provides download links to the grant application forms and instructions for proper submission. The RUF Red Umbrella Marks appear in connection with each stage of the grant application process.


Donate & Take Action
Apply for a grant
What we do
Who we are
EN
News & events
Home
The Red Umbrella Fund has opened its 2015 global call for applications!
DONATE NOW
About the Red Umbrella Fund
red umbrella fund
The Red Umbrella Fund has opened its 2015 global call for applications!
Author Mama Cash
The Red Umbrella Fund has opened its 2015 global call for applications!
Is your group, organisation or network led by sex workers?
Do you agree that sex work should be recognised as work?
Do you contribute to building and strengthening the sex workers' rights movement(s)?
The Red Umbrella Fund gives grants to sex worker-led groups and networks that are registered or unregistered. In 2015, we expect to make about 12 core funding grants to local and national sex worker-led organisations and networks.


red umbrella fund
HOME
ABOUT US
GRANTMAKING
SEX WORKERS RIGHTS
CONTACT
EN
Apply for a grant
Our 2016 Call for Applications is open until 1 August 2016!
Recent Highlights
Red Umbrella Fund on Facebook
Red Umbrella Fund

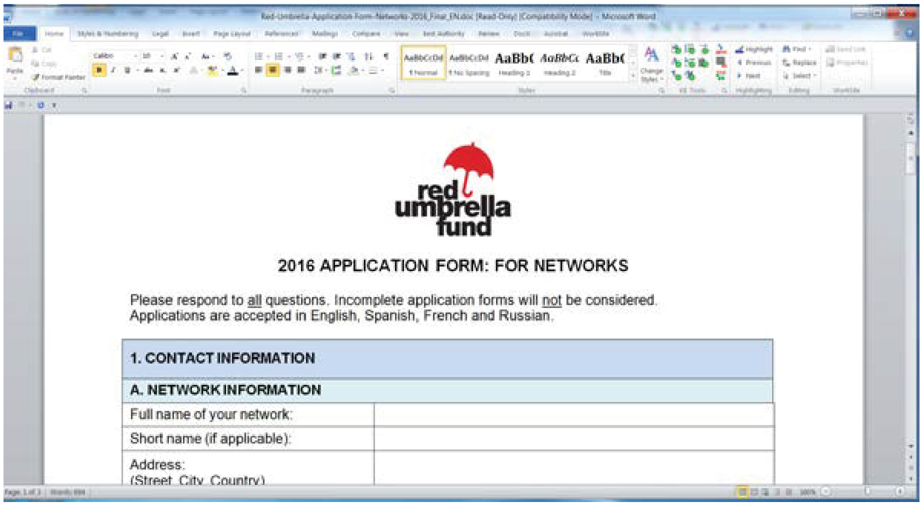


red umbrella fund

2016 APPLICATION GUIDELINES

Read these guidelines carefully before completing the Red Umbrella Fund application form.

Completed applications must be received by email before 1 August 2016 (18:00 hrs CET). Send your application to: applications@redumbrellafund.org



red umbrella fund

2016 APPLICATION FORM: FOR NETWORKS

Please respond to all questions. Incomplete application forms will not be considered.
Applications are accepted in English, Spanish, French and Russian.

1. CONTACT INFORMATION	
A. NETWORK INFORMATION	
Full name of your network:	
Short name (if applicable):	
Address: (Street, City, Country)	

43. Upon information and belief, Mama Cash has awarded substantial grants to recipients in the United States. According to Mama Cash's website, in 2015, a third of the organizations to which the Red Umbrella Fund awarded grants were based in the United States. Specifically, Mama Cash's website states that "the Red Umbrella Fund has received some funding specifically for groups in the USA," which "means that approximately 4 of the [12 core funding grants Red Umbrella Fund received in 2015] will go to sex worker groups or networks in the USA."

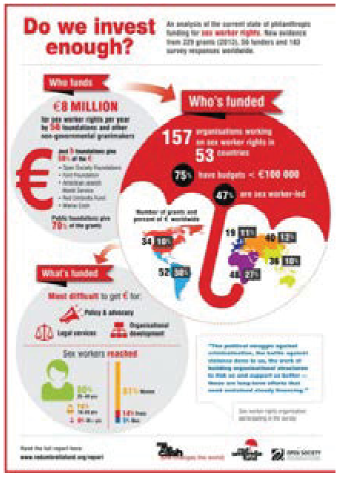
44. Upon information and belief, Red Umbrella Fund has awarded substantial grants to support the activities of U.S.-based organizations, including: (a) Red Umbrella Project, a New York City-based group that, among other activities, campaigns for improvements in legislation involving sex workers; (b) Best Practices Policy Project, which is dedicated to supporting organizations and advocates working with sex workers, people in the sex trade, and related communities in the United States; (c) Community United for Safety and Protection, which works towards safety and protection of sex workers in Alaska; (d) Desiree Alliance, which is dedicated to improving understanding of the sex industry and its human, social and political impacts; (e) New Jersey Red Umbrella Alliance, a group dedicated to promoting, defending, and advocating

for the human rights of sex workers in the state of New Jersey; and (f) Sex Workers Outreach Project, a national social justice network dedicated to the human rights of people involved in the sex trade with twenty-seven chapters across the United States, including in New York.

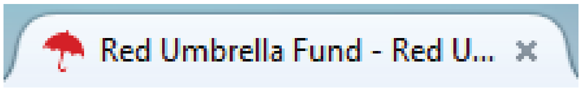
45. Upon information and belief, in connection with its award of grants to U.S.-based organizations, Red Umbrella Fund actively participates in the implementation of the U.S. grantees' projects in the U.S., and it maintains close contact with such grantees.

INJURY TO TRAVELERS AND THE PUBLIC CAUSED
BY DEFENDANTS' USE OF THE RUF RED UMBRELLA MARKS

46. Defendants use the RUF Red Umbrella Marks in connection with their activities in the United States and New York, including, but not limited to, on the Red Umbrella Fund website and on Red Umbrella Fund's Facebook and Twitter pages. Specifically, Defendants display the RUF Red Umbrella Marks on websites at http://www.redumbrellafund.org, https://www.facebook.com/redumbrellafund/, and http://www.twitter.com/redumbrellafund/, as shown below.



red umbrella fund



red umbrella fund
Red Umbrella Fund
p/a Mama Cash
P.O. Box 15686
1001 ND Amsterdam
Netherlands
T: +31 (0) 20 5158700

47. Upon information and belief, at all times relevant to this proceeding, Mama Cash has actively directed the activities of, has had the authority to bind, and has acted jointly with Red Umbrella Fund with respect to Red Umbrella Fund's adoption and use of the RUF Red Umbrella Marks.

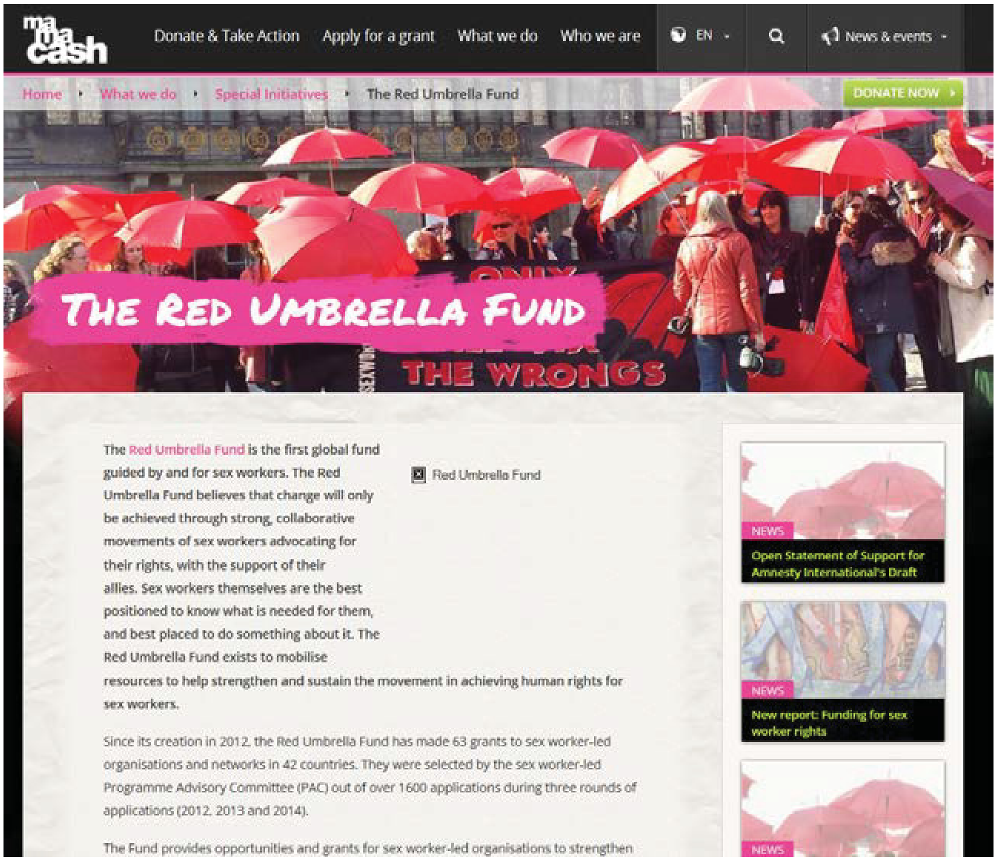
48. As shown below in the side-by-side comparison of the Travelers Red Umbrella Mark and Defendants' RUF Umbrella Logo, those marks are virtually identical in appearance and commercial impression.

Travelers Red Umbrella Mark	**RUF Red Umbrella Logo**

49. Moreover, the likelihood of dilution and confusion is exacerbated by Defendants' use of the name "Red Umbrella Fund," as well as the fact that, in conjunction with the RUF Red Umbrella Logo, Defendants use myriad images of realistic red umbrellas, as seen below.

red umbrella fund
HOME
ABOUT US
GRANTMAKIN

Sex work is Work
Rehabilitation is Redundant Recogn


mama cash
Donate & Take Action
Apply for a grant
What we do
Who we are
EN
News & events
Home
What we do
Special Initiatives
The Red Umbrella Fund
DONATE NOW
THE RED UMBRELLA FUND
THE WRONGS
The Red Umbrella Fund is the first global fund guided by and for sex workers. The Red Umbrella Fund believes that change will only be achieved through strong, collaborative movements of sex workers advocating for their rights, with the support of their allies. Sex workers themselves are the best positioned to know what is needed for them, and best placed to do something about it. The Red Umbrella Fund exists to mobilise resources to help strengthen and sustain the movement in achieving human rights for sex workers.
Red Umbrella Fund
Since its creation in 2012, the Red Umbrella Fund has made 63 grants to sex worker-led organisations and networks in 42 countries. They were selected by the sex worker-led Programme Advisory Committee (PAC) out of over 1600 applications during three rounds of applications (2012, 2013 and 2014).
The Fund provides opportunities and grants for sex worker-led organisations to strengthen
NEWS
Open Statement of Support for Amnesty International's Draft
NEWS
New report: Funding for sex worker rights
NEWS

50. Upon information and belief, Defendants selected, adopted, and began use of the RUF Red Umbrella Marks with knowledge of Travelers' long prior use of the famous Travelers Red Umbrella Mark. Defendants have continued to use the RUF Red Umbrella Marks even after

Travelers' objections to such use.

51. Defendants' actions described above with respect to the RUF Red Umbrella Marks have damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure Travelers, the Travelers Red Umbrella Mark, and Travelers' reputation and goodwill associated with the Travelers Red Umbrella Mark among consumers in the United States and New York.

52. Defendants' uses of the RUF Red Umbrella Marks are likely to dilute the distinctiveness and tarnish the reputation of the famous Travelers Red Umbrella Mark, including among consumers in the United States and New York.

53. Defendants' use of the RUF Red Umbrella Marks is likely to cause confusion, mistake, or deception as to the source or origin of Defendants' products, services, and commercial activities among consumers in the United States and New York. Defendants' use of the RUF Red Umbrella Marks is also likely to falsely suggest a sponsorship, connection, license, or association of Defendants and/or their products and services with Travelers and/or its products and services, among consumers in the United States and New York.

54. Defendants' actions also damage the public's interest (including New York's public interest) in being free from confusion as to the source, sponsorship, or affiliation of Defendants' products and services.

55. Upon information and belief, Defendants were aware of Travelers' prior rights in the famous Travelers Red Umbrella Mark before adopting and using the RUF Red Umbrella Marks, and thus Defendants have acted willfully with respect to Travelers' prior trademark rights.

FIRST CLAIM FOR RELIEF
Dilution Under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

56. Travelers repeats and realleges each and every allegation set forth in paragraphs 1 through 55 of this Complaint.

57. Based at least on the distinctiveness of the Travelers Red Umbrella Mark; the duration and extent of use of this trademark; the duration and extent of advertising featuring this trademark; the geographic area in which Travelers has sold and advertised products and services under or featuring this trademark; the substantial commercial success under this trademark; the degree of public recognition of the Travelers Red Umbrella Mark; the extensive media attention and publicity under this trademark; and the federal registrations of this trademark, the Travelers Red Umbrella Mark is famous, as that term is used in Section 43(c) of the Lanham Act, and has been famous for many years.

58. Defendants' actions described above, all occurring after the Travelers Red Umbrella Mark became famous, are likely to cause dilution by blurring of the famous Travelers Red Umbrella Mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

59. Defendants' actions described above, all occurring after the Travelers Red Umbrella Mark became famous, are likely to cause dilution by tarnishment of the famous Travelers Red Umbrella Mark in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(c).

60. Upon information and belief, Mama Cash is also liable for vicarious trademark dilution and contributory trademark dilution as a result of its relationship with Red Umbrella Fund and its encouragement of, facilitation of, and contribution towards Red Umbrella Fund's diluting activities, as described above.

61. Upon information and belief, the actions of Defendants described above have at all times relevant to this action been willful.

62. As a direct and proximate result of the actions of Defendants alleged above, Travelers has been damaged and will continue to be damaged.

SECOND CLAIM FOR RELIEF
Trademark Infringement Under Section 32(a)
of the Lanham Act, 15 U.S.C. § 1114(a)

63. Travelers repeats and realleges each and every allegation set forth in paragraphs 1 through 62 of this Complaint.

64. Without Travelers' consent, Defendants used and continue to use in commerce the RUF Red Umbrella Marks, as described above, in connection with the offering, sale, and advertising of Defendants' services, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

65. Upon information and belief, Mama Cash is also liable for vicarious trademark infringement and contributory trademark infringement as a result of its relationship with Red Umbrella Fund and its encouragement of, facilitation of, and contribution towards Red Umbrella Fund's infringing activities, as described above.

66. Upon information and belief, the actions of Defendants described above have at all times relevant to this action been willful.

67. As a direct and proximate result of the actions of Defendants alleged above, Travelers has been damaged and will continue to be damaged.

THIRD CLAIM FOR RELIEF
Trademark Infringement, False Designation of Origin, and Unfair Competition
Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)

68. Travelers repeats and realleges each and every allegation set forth in paragraphs 1

through 67 of this Complaint.

69. Defendants' uses of the RUF Red Umbrella Marks, as described above, are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Defendants' services and commercial activities, and thus constitute trademark infringement, false designation of origin, and unfair competition with respect to the Travelers Red Umbrella Mark, in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

70. Upon information and belief, Mama Cash is also vicariously and contributorily liable for Red Umbrella Fund's trademark infringement, false designation of origin, and unfair competition as a result of its relationship with Red Umbrella Fund and its encouragement of, facilitation of, and contribution towards Red Umbrella Fund's infringing activities, as described above.

71. Upon information and belief, the actions of Defendants described above have at all times relevant to this action been willful.

72. As a direct and proximate result of the actions of Defendants alleged above, Travelers has been damaged and will continue to be damaged.

FOURTH CLAIM FOR RELIEF
Violation of New York's Deceptive Trade Practices Act
New York Gen. Bus. Law § 349(a)

73. Travelers repeats and realleges each and every allegation set forth in paragraphs 1 through 72 of this Complaint.

74. Defendants' promotion, marketing and advertising of their services under the RUF Red Umbrella Marks creates a false association with Travelers and is misleading and deceptive.

75. Defendants' promotion, marketing and advertising of its products and services under the RUF Red Umbrella Marks is directed at the general public and consumers, including

those within the State of New York.

76. Upon information and belief, Defendants' use of the RUF Red Umbrella Marks intentionally, deliberately, willfully, and knowingly deceives the public and consumers, confuses and or is likely to confuse the public and consumers, and materially misleads consumers as to the quality, source and sponsorship of Defendants' goods and services.

77. Consumers have relied on, and are likely to continue to rely on, Defendants' unauthorized use of the RUF Red Umbrella Marks in connection with Defendants' services and, therefore, consumers have been injured or damaged and are likely to be further injured and damaged by Defendants' marketing in violation of New York General Business Law § 349(a).

78. Defendants' marketing and promotion of their services under the RUF Red Umbrella Marks as described above has injured and damaged, and will likely further injure and damage, Travelers in violation of New York General Business Law § 349(a).

FIFTH CLAIM FOR RELIEF
Common Law Trademark Infringement

79. Travelers repeats and realleges each and every allegation set forth in paragraphs 1 through 78 of this Complaint.

80. Defendants commenced use of the RUF Red Umbrella Marks in commerce long after Travelers began using its Travelers Red Umbrella Mark in commerce in New York and throughout the United States.

81. Defendants' use of the RUF Red Umbrella Marks infringes Travelers' common law rights in the Travelers Red Umbrella Mark and has and will continue to have the effect of causing confusion, mistake, or deception as to the source and origin of Defendants' services and to deceive the public (including the public in New York) by passing off Defendants' services as

originating from, sponsored, or otherwise approved by, associated with, or connected to Travelers.

82. Defendants' acts have damaged Travelers' business reputation and have impaired and diluted and/or are likely to impair or dilute Travelers' goodwill in its Travelers Red Umbrella Mark.

83. Unless enjoined by this Court, Defendants will continue its acts of trademark infringement, thereby deceiving the public and causing Travelers immediate and irreparable harm.

SIXTH CLAIM FOR RELIEF
New York State Dilution

84. Travelers repeats and realleges each and every allegation set forth in paragraphs 1 through 83 of this Complaint.

85. The Travelers Red Umbrella Mark is, and has been for many years, distinctive based on, among other things, the duration and extent of use of this trademark; the duration and extent of advertising featuring this trademark; the geographic area in which Travelers has sold and advertised products and services under or featuring this trademark; the substantial commercial success under this trademark; the degree of public recognition of the Travelers Red Umbrella Mark; the extensive media attention and publicity under this trademark; and the federal registrations of this trademark.

86. Defendants' use of the RUF Red Umbrella Marks is likely to dilute the Travelers Red Umbrella Mark.

87. Upon information and belief, Defendants' conduct is willful, deliberate and in bad faith.

88. As a direct and proximate result of the actions of Defendants alleged above, Travelers has been damaged and will continue to be damaged.

PRAYER FOR RELIEF

WHEREFORE, Travelers prays that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to, the following:

A. An Order declaring that Defendants' uses of the RUF Red Umbrella Marks are likely to cause dilution by both blurring and tarnishment of the famous Travelers Red Umbrella Mark, infringe the Travelers Red Umbrella Mark, and constitute unfair competition and unfair trade practices under federal and/or state law, as detailed above;

B. An injunction permanently enjoining Defendants and their employees, officers, directors, principals, parents, subsidiaries, affiliates, related companies, and all persons in active concert or participation with any of them from using or registering in any way the RUF Red Umbrella Marks, or any other marks likely to cause confusion or to dilute the Travelers Red Umbrella Mark, in the United States, or from otherwise suggesting an association with Travelers or the Travelers Red Umbrella Mark;

C. An Order requiring Defendants to pay Travelers compensatory damages, profits, reasonable attorneys' fees, and costs, pursuant to 15 U.S.C. § 1117 and New York General Business Law § 349(h), as applicable; and

D. Other relief as the Court may deem appropriate.

Dated: December 9, 2016

Respectfully submitted,

/s/ *Dale M. Cendali*_____

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